

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

15 | In re: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION

Case No. 07-5944 SC

MDL No. 1917

[PROPOSED] ORDER ADOPTING  
SPECIAL MASTER'S REPORT AND  
RECOMMENDATION TO DENY  
DIRECT PURCHASER PLAINTIFFS AND  
INDIRECT PURCHASER PLAINTIFFS'  
JOINT MOTION TO COMPEL  
DEFENDANTS TO PRODUCE ENGLISH  
TRANSLATIONS

### This Document Relates to:

## ALL ACTIONS

1 The Direct Purchaser Plaintiffs and Indirect Purchaser Plaintiffs' (collectively  
2 "Plaintiffs") Joint Motion to Compel Defendants to Produce English Translations ("Plaintiffs'  
3 Motion") came on for hearing before the Special Master on February 27, 2012. The Special  
4 Master issued its Report and Recommendation to deny Plaintiffs' Motion on March 8, 2012 (the  
5 "Special Master's Recommendation"). Defendants have timely filed a Motion to Adopt the  
6 Special Master's Recommendation pursuant to paragraph 16 of this Court's June 16, 2008 Order  
7 Appointing Special Master, and, pursuant to paragraph 17 of that Order, have provided the Court  
8 with the relevant record for consideration of the Special Master's Recommendation.

10 After full consideration of the Special Master's Recommendation, the points and  
11 authorities submitted by the parties, and the Court's file in this matter, and good cause appearing  
12 therefor, IT IS HEREBY ORDERED as follows:

14           1.       As established by the declarations submitted by Defendants, the translations  
15 sought by Plaintiffs reveal defense counsel's "opinion" attorney work product in the selection of  
16 documents for translation. The translations are therefore absolutely protected from discovery.

17           2.     Alternatively, even if the disputed translations reflected only "ordinary"  
18 work product, Plaintiffs have failed to meet their burden of demonstrating both a "substantial"  
19 need" for the translations and an "undue hardship" if the translations are not produced.  
20 Defendants' translations represent only a small percentage of the foreign-language documents  
21 produced in this case, and even if Defendants' uncertified, rough and often incomplete translations  
22 were produced, Plaintiffs would still be required to obtain certified translations of the same  
23 underlying documents.

24                   3. Accordingly, Defendants' Motion to Adopt the Special Master's  
25 Recommendation to deny Plaintiffs' Motion is GRANTED. The Special Master's  
26 Recommendation is ADOPTED in its entirety.

1 **IT IS SO ORDERED.**

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3 DATED: \_\_\_\_\_

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5 HON. SAMUEL CONTI  
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UNITED STATES DISTRICT JUDGE